

REMARKS

In the Office Action mailed 2/10/2005, Claims 6, 7, 14 and 15 were objected to for depending upon rejected base claims, but were otherwise indicated as being allowable. The other pending claims were rejected under 35 U.S.C. §103(a) as being obvious over the prior art.

Applicant has herein proposed amendments to the claims to cure the Examiner's informality-based objections as well as in view of the prior art.

Regarding the rejection of the claims, Applicant respectfully traverses these rejections for the following reasons:

1. Neither McGregor, nor Zinser discloses "A combination flower arrangement and gift assembly" (claims 10, 11, 12, 14 and 15) – it appears that both are designs for heating food, and therefore neither is analogous;
2. Neither McGregor, nor Zinser discloses a "wet vessel" that inserts into a "dry vessel" – Zinser, as a design patent, discloses nothing regarding the contents of either its lower chamber or its upper chamber (and in fact whether those two chambers are sealed from one another); McGregor actually teaches away from a wet vessel inserting into a dry vessel, since McGregor clearly discloses that the "pan" (the lower chamber) is for water (the design goal of the "channels 10" is to prevent steam from escaping from the "pan." Neither reference, therefore discloses the claimed invention, alone or in combination.
3. McGregor does not, in fact, disclose a clear "pan"; the depiction of Figure 2 is a cross-section, with the wall(s) of the "pan" being depicted in hidden lines (just as is the baby bottle at the center of the "food warmer." Even if clear vessels were previously known, as

has been discussed by Applicant at length in previous responses, none of the prior clear vessels included or made obvious each and every limitation of Applicant's clear vessel.

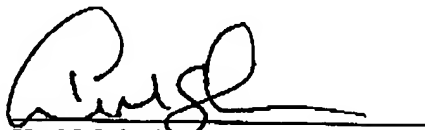
4. Neither McGregor, nor Zinser was cited in the previous Office Action, and therefore were new grounds for rejection, provided as a result of a new search performed by the Examiner. At the very least, Applicant must have the instant arguments and amendments considered – the finality of the claim rejections must therefore be withdrawn so that Applicant (and the Examiner) can prepare a full record for appeal on the merits.

Conclusion

In view of the foregoing proposed amendments and brief remarks, Applicant respectfully requests that the application be reconsidered, the claims be allowed, and the case passed to issue.

Respectfully submitted,

STEINS & ASSOCIATES



Karl M. Steins
Registration No. 40,186
2333 Camino del Rio South
Suite 120
San Diego, California 92108
Telephone: (619) 692-2004
Facsimile: (619) 692-2003